**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 551 OF 2006**
**WITH**
**CIVIL APPLICATION NO. 712 OF 2006**

M/s. Seinumero Engg. India Ltd. ... Appellant

V/s

Mr. Yatin Suresh Tambe & anr. ... Respondents

Mr. S.N. Chandrachud for the appellant.

**CORAM: A.M. KHANWILKAR, J.**

**DATED: 28TH JULY, 2006**

**P.C.:**

1. Heard learned counsel for the appellant.

2. I see no infirmity either in the approach or the conclusion reached by the Court below in taking view that having regard to the fact situation of the present case, the claim of the plaintiff was for the payment of money. In such a case, interim relief as is prayed under Order 39 of the C.P.C. was ill-advised. In the circumstances, while affirming the opinion recorded by the lower Court in the impugned judgment, it is observed that it will be open to the appellant to take recourse

to such other remedy as may be permissible by law so as to secure the interest of the appellant in the event the appellant was to succeed in the suit for the purpose of execution of the decree. Appeal disposed of.

3. In view of the above order, the civil application also stands disposed of.

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